

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MATTHEW SANSCRAINTE,)	Case No. 2:16-cv-01165
)	
Plaintiff,)	JUDGE EDMUND A. SARGUS, JR.
)	
v.)	MAGISTRATE JUDGE
)	CHELSEY M. VASCURA
DARPAN MANAGEMENT, INC., <i>et al.</i> ,)	
)	
Defendants.)	DEFENDANTS' MOTION FOR
)	LEAVE TO FILE JOINT MOTION TO
)	APPROVE SETTLEMENT AND
)	SETTLEMENT AGREEMENT AND
)	RELEASE UNDER SEAL

Now come Defendants, Darpan Management, Inc., Prakash Patel, Vibhakar Shah, and Darshan Shah, and hereby move this Court, pursuant to Local Rule 5.2.1, for an Order authorizing the parties to file the Joint Motion to Approve Settlement and to Dismiss Case with Prejudice and the Confidential Settlement Agreement and General Release reached in this matter under seal. The grounds for this motion are as follows:

1. This case was originally brought as a class and collective Action pursuant to 29 U.S.C. § 216(b) and Fed. R. Civ. P. 23. The Parties engaged in good faith negotiations and have reached a settlement in this action. The Confidential Settlement Agreement and General Release settles this matter on behalf of Defendants and Plaintiff individually.
2. As this settlement includes settlement of a claim under the Fair Labor Standards Act ("FLSA"), as well as state law and common law claims, Court approval of the settlement terms is necessary.
3. Defendants seek leave to file the settlement agreement under seal.
4. During negotiations, Defendants emphasized the need for confidentiality of the settlement terms, and such confidentiality is a material term of the Parties' agreement. In addition, extraordinary reasons support the filing of the Confidential Settlement Agreement and

General Release under seal. *See Darner v. Twins Group, Inc.*, S.D.Ohio No. 2:16-cv-450, 2017 U.S. Dist. LEXIS 7735, at *3 (Jan. 19, 2017). Here, the Parties have reached a settlement agreement concerning highly disputed facts and legal issues in connection with the FLSA litigation pending in this Court. Second, as this matter is settled on an individual basis, the filing of the settlement documents under seal will not impede any other parties or employees from determining their rights and obligations. Finally, filing the settlement documents under seal will not impair the Court's administration of the settlement – the Court will retain jurisdiction over this matter to enforce the terms of the settlement agreement. In sum, filing the settlement documents under seal will advance the terms of the Parties' settlement and promote judicial economy in this action. This is not a case that involves information of significant interest to the public. Rather, only the named Plaintiff and Defendants require information concerning the terms of the settlement in this matter. This Court has previously approved the filing of settlement documents under seal in similar circumstances. *See, e.g., Wade v. Werner Trucking Company*, S.D. Ohio No. 2:10-cv-270 (May 12, 2014) (Sargus, J.), *Davis v. Petta Enterprises, LLC*, S.D. Ohio No. 2:15-cv-1236 (Oct. 4, 2016) (Sargus, J.), *Coverdale v. Elite Auto Services, LLC*, S.D. Ohio No. 2:14-cv-808 (May 7, 2015) (Sargus, J.).

5. Accordingly, to maintain the confidentiality of the agreement and for the other reasons described above, filing of the written settlement agreement and motion to approve the same under seal is necessary.

6. Plaintiff has agreed that he will not object to Defendant's motion for leave to file the settlement agreement under seal.

Therefore, Defendants respectfully requests an Order authorizing the Parties to file the written settlement agreement, along with the joint motion seeking the Court's approval of same, under seal. A proposed Order is attached for the Court's convenience.

Respectfully Submitted,

/s/Theodore R. Saker, Jr.

Theodore R. Saker, Jr. (0023292)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed electronically.
Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

s/ Theodore R. Saker, Jr.
THEODORE R. SAKER, JR. (0023292)